

Chapter 2 - General and Non-attainment Area Permits

200 GENERAL PERMIT REQUIREMENTS

200.1 A permit from the Mayor shall be obtained before any person shall cause, suffer, or allow the construction of a new stationary source, or the modification of an existing stationary source, or the installation or modification of any air pollution control device on a stationary source.

200.2 [NOT IN SIP-See Section 8-2:720(c) below]

[5/9/97]

200.3 The mayor may allow the temporary operation of a source for a period no longer than one (1) month. This period may be extended month to month, to enable the initial evaluation of the operation of a source or device granted a permit under § 200.1, or to enable the continued operation of a source for which an application for an operating permit under § 200.2 has been filed, but due to delays attributable to the Mayor the permit has not been issued. Any temporary operation of a source shall be in accordance with the requirements of this chapter.

200.4 Construction and operating permits shall be valid for the period specified in the permit, but not to exceed three (3) years.

200.5 Each owner or operator of a stationary source or device for which a permit is required shall timely file with the Mayor the appropriate application.

200.6 Applications for Permits shall be filed with the Mayor with the form or forms that the Mayor shall prescribe, and shall be accompanied by the data, information, and analysis necessary or desirable to enable the Mayor to determine whether the requested permit should be issued.

200.7 The Mayor may require at any time, the submission of the data, information, and analyses that the Mayor may deem necessary or desirable to allow the Mayor to determine whether a requested permit should be issued or denied, or an outstanding permit should be modified or revoked.

200.8 Applications for construction and operating permits may incorporate by reference data, information, and analyses otherwise available or provided to the Mayor, provided that the reference is clear and specific.

200.9 Each permit application shall be accompanied by a fee to be determined by the Mayor.

200.10 An application for a permit shall be signed in the following manner:

- (a) If the applicant is a partnership, a general partner shall sign the application.
- (b) If the applicant is a corporation, association, or cooperative, an officer shall sign the application.
- (c) If the applicant is a sole proprietorship, the proprietor shall sign the application.
- (d) If the applicant is a government or governmental agency, department, or board, a senior executive of that government, agency, department, or board who has authority to sign shall sign the application.

[5/9/97]

200.11 No permit shall be required for any fuel burning equipment which has a capacity of five million (5,000,000) or less BDS. per hour of heat input which uses for fuel only gaseous fuels or distillate oils. This section shall not apply to sources subject to § 204.

200.12 The Mayor shall establish a schedule of fees for construction and operating permits. These fees shall be sufficient to cover the reasonable costs of reviewing and acting upon the application and the reasonable costs of implementing and enforcing the terms and conditions of the permit.

201 GENERAL REQUIREMENTS FOR PERMIT ISSUANCE

201.1 The Mayor may issue a permit upon finding the following:

- (a) that the applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and welfare;
- (b) that the issuance of the permit will not be inimical to the public health and welfare;
- (c) that the applicant has satisfied the applicable requirements for the requested permit established pursuant to this Subtitle;
- (d) that the operation of the source will not prevent or interfere with the attainment and maintenance of any applicable national ambient air quality standard and will not result in the contravention of any provision of the Federal Clean Air Act or the regulations promulgated under the act;
- (e) that the operation of the source will not result in the violation of any provision of this Subtitle; and

(f) that in the case of a major stationary source, that continuous monitoring devices for opacity and for all pollutants for which the source is a major source are in operation, or in the case of a source. will be in operation as of the time of start of operation of the source; Provided, that no emission monitoring equipment for a pollutant shall be required in a case where the emission of that pollutant is not subject to an emission standard under this Subtitle, or where the continuous monitoring device is not reasonably available.

202 MODIFICATION, REVOCATION AND TERMINATION OF PERMITS

- 202.1 The terms and conditions of each permit shall be subject to amendment, revision, or modification, and a permit may be suspended or revoked by reason of amendments to this Subtitle, or by requirements and orders issued by the Mayor.
- 202.2 Any permit may be revoked, suspended, modified in whole or in part, for any false statement in the application; any false statement of fact required under this Subtitle; or because of any condition revealed by the application, any statement of fact, or any report, record, or inspection, or other means which would:
- (a) Warrant the Mayor to refuse to grant a permit on an original application; or
- (b) Qualify as a violation of or failure to observe any of the terms and conditions of the permit, or of this Subtitle, or order of the Mayor.
- 202.3 Except in cases of willfulness or cases in which the public health or welfare requires otherwise, no permit shall be modified, suspended, or revoked unless, prior to the institution of proceedings, facts or conduct which may warrant action shall have been called to the attention of the permittee in writing, and the permittee shall have been given an opportunity to demonstrate or achieve compliance with all lawful requirements.
- 202.4 The Mayor may terminate a permit upon the written request of the permittee.
- 202.5 Except as provided in § 302.2, a permit to construct or modify a source shall be valid only if used within one (1) year from the date of issuance.

203 [NOT IN SIP]

204 PERMIT REQUIREMENTS FOR SOURCES AFFECTING NON-ATTAINMENT AREAS

[5/9/97]

204.1 This section applies to any new or modified major stationary source of any pollutant that significantly affects any non-attainment area for that pollutant whether or not the source is located in an attainment or non-attainment area. For the purposes of this section:

(a) Any source of a pollutant located, or to be located, in a non-attainment area for that pollutant shall be deemed to significantly affect that non-attainment area;

(b) The term “non-attainment area” shall have the same meaning ascribed to that term in § 171(2) of the Federal Clean Air Act;

(c) The term “modified” or “modification” shall have the meaning ascribed to that term in § 199 of this Subtitle; except that for the purposes of this section, only those changes that increase the emission of any pollutant shall be considered as included within these terms.

(d) The fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source unless the source belongs to one of the following categories of stationary sources:

- (1) coal cleaning plants (with thermal dryers);
- (2) kraft pulp mills;
- (3) Portland cement plants;
- (4) primary zinc smelters;
- (5) iron and steel mills;
- (6) primary aluminum ore reduction plants;
- (7) primary copper smelters;
- (8) municipal incinerators capable of charging more than 250 tons of refuse per day;

- (9) hydrofluoric, sulfuric, or nitric acid plants;
- (10) petroleum refineries;
- (11) lime plants;
- (12) phosphate rock processing plants;
- (13) coke oven batteries;
- (14) sulfur recovery plants;
- (15) carbon black plants (furnace process);
- (16) primary lead smelters;
- (17) fuel conversion plants;
- (18) sintering plants;
- (19) secondary metal production plants;
- (20) chemical process plants;
- (21) fossil-fuel boilers (or combination thereof) totaling more than two-hundred and fifty million (250,000,000) BDS. per hour heat input;
- (22) petroleum storage and transfer units with a total storage capacity exceeding three-hundred thousand (300,000) barrels;
- (23) taconite ore processing plants;
- (24) glass fiber processing plants;
- (25) charcoal production plants;
- (26) fossil fuel-fired steam electric plants of more than two-hundred and fifty million (250,000,000) BDS. per heat input; and
- (27) any other stationary source categories which, as of August 7, 1980, are being regulated by a standard promulgated under § 111 and § 112 of the Clean Air Act, 42 U.S.C. §§ 7411 and 7412.

204.2 A construction or operating permit shall not be issued to a source to which this section applies unless the conditions specified in §§ 204.3-204.11 are satisfied.

204.3 The emissions from the source shall not exceed that limit represented by the “lowest achievable emission rate” which means for any source, that rate of emissions which reflects the more stringent of the following:

(a) The most stringent emission limitation which is contained in the implementation plan of any State for the class or category of source, unless the owner or operator of the proposed source demonstrates that the limitations are not achievable;

(b) The most stringent emission limitation which is achieved in practice by the class or category or source; or

(c) The emissions allowable under 40 CFR Parts 60 and 61.

204.4 The applicant for a permit for the source will cause to have reduced, prior to the operation of the source, sufficient emissions from other existing stationary sources so that the emissions from the new or modified major stationary source in conjunction with the reduction of the emissions (below the level of emissions that would be permitted under this chapter) from the existing stationary sources, will result in decreased emissions of the pollutant in question, and will not adversely affect the air quality in any area not attaining the national ambient air quality standards. The ratio of total reductions of emissions of oxides of nitrogen from other existing sources to total increases of emissions of oxides of nitrogen from the new or modified major stationary source shall be at least one and two tenths (1.2) to one (1.0). The ratio of total reductions of emissions of volatile organic compounds from other existing sources to Increases of emissions of volatile organic compounds from the new or modified major stationary source shall be at least one and two tenths (1.2) to one (1.0).

204.5 For purposes of § 204.4, credit may be granted for the reduction of emissions from existing non-major stationary sources only to the extent it has been shown that the reduced emissions have not been transferred, directly or indirectly, to some other source or place;

[5/9/97]

204.6 In lieu of compliance with § 204.4, the applicant for a permit may demonstrate that the emissions from the source will not be in excess of the levels permitted under §§ 172(c) (4) and 173 (a) (1) (B) of the Clean Air Act, 42 U.S.C. §§ 7502 (c)(4) and 7503 (a)(1)(B).

204.7 All major stationary sources owned or operated in the District by the applicant (or by any entity controlling, controlled by, or under common control with the applicant) are in compliance with, or on binding agreement to comply with, all emission limitations and standards under this Subtitle and under the Federal Clean Air Act.

[5/9/97]

204.8 In the case of a new or modified major stationary source subject to this chapter, the applicant must demonstrate through an analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed new and modified sources, that the benefits of the proposed new or modified source significantly outweigh the environmental and social costs imposed as a result at its location, construction, or modification.

[5/9/97]

204.9 The issuance of a permit shall meet the requirements set forth in § 173 of the Clean Air Act, 42 U.S.C. § 7503.

204.10 All offsetting emission reductions obtained in compliance with § 204.4 shall be made legally binding and enforceable directly against the offsetting source.

205 [NOT IN SIP]

206 NOTICE AND COMMENT PRIOR TO PERMIT ISSUANCE

[5/9/97]

206.1 The Mayor shall cause to be published a notice regarding the application, in accordance With 40 CFR Part 51.161 and D.C. Code § 1-1506, by prominent advertisement and with circulation in the District of Columbia and any other area impacted pursuant to the air quality impact analysis. The notice shall provide information regarding the availability of the application for public inspection and copying, along with the availability of the ambient air quality impact analysis and proposed approval or disapproval prepared by the Mayor. A copy of the notice shall be sent to the U.S. Environmental Protection Agency, through its Region III, and to all other State and local air pollution control agencies having jurisdiction in the region in which such new or modified installation will be located. The applicant shall pay a reasonable fee to cover all costs incurred in providing notice.

[5/9/97]

206.2 The notice shall provide the opportunity for written comments from the public within thirty (30) days.

299 DEFINITIONS AND ABBREVIATIONS

299.1 The meanings ascribed to the definitions appearing in § 199.1 of chapter 1 of this subtitle shall apply to the terms in this chapter.

299.2 The meanings ascribed to the abbreviations appearing in § 199.2 of chapter 1 of this subtitle shall apply to the abbreviations in this chapter.

[7/7/72]

8-2:720(c) PERMITS TO OPERATE

On or after February 1, 1973, no person shall own or operate any stationary source without a valid permit to operate such source.